

Kansas Adjutant General's Department – State Human Resources Guidelines

2011

10/2011

REF: K.A.R. 1-9

POLICY

LEAVE OF ABSENCES

Policy:

It is the policy of the Adjutant General's Department to permit employees to be absent from work on an authorized short-term basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, the Adjutant General's Department will provide compensation according to the guidelines below.

Comment:

- (1) Absences that are designated as Family and Medical Leave Act absences should be treated under the FMLA Guideline to ensure that employment rights are maintained.
- (2) An authorized leave of absence may include any of the following (the phrase "immediate family" for the purposes of this policy includes the employee's spouse, brother, sister, father, mother, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any member of the employee's household):
 - (a) Sickness or injury resulting in the temporary disability of the employee or a member of the employee's immediate family; (See Comment (4) below)
 - (b) Death, funeral, or estate settlement in the employee's immediate family; (See FUNERAL LEAVE)
 - (c) Marriage of the employee or a member of the employee's immediate family; (See Comment (4) below)
 - (d) Urgent personal business that cannot be conducted outside of normal working hours; (See Comment (4) below)
 - (e) Jury duty or testifying as a subpoenaed witness in a judicial proceeding; (See Comment (7) below)
 - (f) Voting in local, state, or national elections; (See Comment (6) below)
 - (g) Religious observance required by the employee's religion; (See Comment (4) below)
 - (h) Closing of the Adjutant General's Department's operations; (See INCLEMENT WEATHER)
 - (i) Approved voluntary participation in school and community activities; (See Comment (6) below)
- (3) In order for leave of absences to be considered authorized and potentially eligible for compensation, employees must obtain approval for the absence from their supervisor. Employees should give their supervisor thirty days advance notice of an anticipated absence or as much advance notice as is practicable under the circumstances. Unauthorized absences and absences in excess of what is allowed under this policy, except for an approved leave of absence, will be considered abuses of this policy and are grounds for disciplinary action.
- (4) Full-time employees are eligible to be compensated for regular base wages lost during certain periods of authorized absence to the extent that they have accumulated days of paid absence as provided under this policy. However, not all absences authorized under this Policy will be compensated. (See Comment (6) below.)
- (6) Eligible employees generally may receive compensation for the following approved leave of absences: sickness or injury; death, funeral, or estate settlement; vacation; and military. (See Comment (2) above.)

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POLICY

- (7) Short-term absences resulting from jury duty and testifying as a subpoenaed witness will not be charged against an employee's available days of paid absence. Nonexempt employees will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two workweeks per calendar year. "Exempt employees" are subject to the same two-week limitation except that they will also receive pay for any days they serve as a juror or witness in a workweek in which they actually perform work.
- (8) If the absence is due to illness or injury of the employee or a family member, written certification from the health care provider of the ill or injured employee or family member verifying the need for leave is required if the absence exceeds three consecutive days and also may be required for certain shorter absences. Employees who falsify the reason for an absence will be subject to disciplinary action, up to and including termination and any compensation for the absence will be stopped immediately.
- (9) Employees returning from a leave of absence must report to their supervisor, and, when appropriate, certify that they are fit to return to work. The supervisor should record the employee's absence on the employee's time sheet and forward the return to work documents to the Human Resources Department. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive absences will lead to discipline, up to and including termination.
- (10) Compensation during authorized absences will not be granted before days of paid absence have been accrued. In addition, authorized days off for leave of absences will not be considered as working time for calculating weekly overtime compensation.

Types of Leave:

- (1) Sick Leave (SCK):
 - (a) Sick leave may not be used for any reason other than an employee's illness and doctor's appointments and illnesses and doctor's appointments of family members, which reasonably require the employee to be absent from work.
 - (b) Sick Leave usage of three or more consecutive days requires a statement from a physician.
 - (c) An individual may be required to provide a physician's statement for any request or period of sick leave usage.
 - (d) Sick Leave may not be used as a substitute for Vacation Leave and/or Leave without Pay (LWP).
- (2) Vacation Leave (VAC):
 - (a) Nonexempt employees shall use vacation leave only in increments of a quarter of an hour.
 - (c) Exempt employees, including part-time exempt employees, shall use vacation leave only in either half-day or full-day increments.
 - (c) Vacation leave earned by an employee during a pay period shall be available for use on the first day of the following pay period.
 - (d) If a holiday on which state offices are closed occurs during an employee's vacation, the holiday hours shall not be charged against the employee's vacation leave.

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2011

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POLICY

(3) Holiday (HOL):

- (a) The following days shall be legal holidays for the state service: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When one of these legal holidays falls on a Saturday, the preceding Friday shall be the officially observed holiday for state employees. When one of these legal holidays falls on a Sunday, the following Monday shall be the officially observed holiday for state employees.
- (b) An employee who is on leave without pay for any amount of time either on the last working day before a holiday or the first working day following a holiday shall not receive holiday credit.

(4) Military Leave (MIL):

- (a) MIL is authorized for employees that are members of a reserve component. Fifteen days of Military Leave are authorized per calendar year for "active duty purposes".
*This is not to be confused with regularly scheduled Military Drill. Orders must state "ACTIVE DUTY" or "ANNUAL TRAINING" of "Title 10" or Title 32" and orders must be available.
- (b) It is the responsibility of the employee to provide his/her supervisor with military orders for 'active duty', in advance, to accompany the State of Kansas Time and Leave Document (timesheet) and leave request form.
- (c) When orders are not provided in advance, the employee must provide them prior to MIL being approved and entered onto the employee's timesheet.
*Not all military orders meet the requirements for use of MIL leave. In those cases the employee may request use of other leaves (with the exception of sick leave), the discretionary day or LWP.

(5) Jury Duty Leave (JRY):

- (a) In the event an employee receives a notice to report for jury duty, the employee should notify their supervisor immediately so that arrangements can be made to have work duties covered until the employee can return to work.
- (b) An employee shall not be entitled to Jury Duty leave in circumstances where the employee is called as a witness on the employee's own behalf in an action in which the employee is a party.
- (c) Each employee granted leave under this section who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the state the pay or fees in excess of \$50.00. The employee may retain any amount paid to the employee for expenses in traveling to and from the place of the jury duty or required appearance, except when any employee travels in a state vehicle for a required appearance before a court, or a legislative committee, or other public body, the employee shall turn over to the state any mileage expense payments received.
- (d) The employee will be paid full regular straight time earning.
- (e) Time spent on jury duty will be counted as regular working time for all purposes except overtime.
- (f) The employee must return to work for any reasonable time the court is closed during normal work hours.
- (g) No adverse employment action will be taken against employees due to their service as a juror in state or federal courts.

(6) Leave Without Pay (LWP):

- (a) LWP will not be authorized except under extenuating circumstances and must be requested in advance

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(7) Unauthorized Leave:

- (a) When any or all requested leave is unauthorized/denied and the employee does not report or stay at work, the employee will be considered 'Absent Without Leave' (AWOL). This means the employee may not use leave or their Discretionary Day.
- (b) Additionally, the employee may be subject to informal and formal disciplinary actions.